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Pages (not including Cover Sheet): 1

Date: April 16, 1999

From: Robert Sullivan
IBM Corporation
Intellectual Property Law
9000 S. Rita Rd.
Tucson, AZ 85744

(520) 799-2550
(520) 799-5551 FAX

To: Examiner Jack Choules
United States Patent and Trademark Office
(703) 308-5403 FAX

Dear Sir,

I have sent you a draft of the declaration for the present reissue application, S/N 08/795,997, including the modifications that we discussed in a telephone conversation on April 14, 1999. I ask that you review this draft to insure that the modifications are as we discussed.

Thank you,
Robert Sullivan

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or article of manufacture, for use in a data storage subsystem providing transparent library management. Reissue claim 9 recites "an article of manufacture for use in a data storage subsystem having an automated storage library and a controller, said data storage subsystem for accessing data in a file on one of a plurality of volumes stored within said library such that peripheral storage drives within said library are transparent to a host processor." Reissue claim 9 further recites "said article of manufacture comprising a computer usable storage medium having a computer readable program code embodied in said medium."

13. The presence of unnecessary limitations in claims 1 and 3, and the failure to include a computer program product claim, were first called to our attention at the time that this reissue application was filed. Prior to that time, the inventors were unaware of the significance of these limitations or the potential limiting affect thereof. The inventors believe that these errors arose from the failure of the attorney originally prosecuting this patent to recognize and appreciate the full scope of the invention. Upon information and belief, (all errors being corrected in this reissue application, up to the time of filing the declaration, arose without any deceptive intention on the part of the Applicant.

14. This declaration is accompanied by an order of a title report as required by 37 C.F.R. §1.178.

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15. This declaration is also accompanied by assignee's assent to the filing of the attached reissue application and by the assignee's offer to surrender the original Letters Patent as required by 37 C.F.R. § 1.178.

16. We appoint the following as our attorneys or agents with full power of substitution to prosecute the attached reissue application and to transact all business in the Patent and Trademark Office connected therewith.

Philip R. Wadsworth (#29,219)
Christopher A. Hughes (#26,914)
John E. Hoel (#26,279)

Robert M. Sullivan (#39,391)
Edward A. Pennington (#32,588)
Joseph C. Redmond, Jr. (#18,753)

17. Correspondence in connection with the attached reissue application should be addressed to:

Robert M. Sullivan
IBM Corporation
Intellectual Property Law
9000 S. Rita Road
Tucson, AZ 85744
(520) 799-2550

18. The undersigned petitioners declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any

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patent issuing thereon.

Dated: _____

By: _____
Christopher J. Monahan

Dated: _____

By: _____
Mary L. Monahan

Dated: _____

By: _____
Dennis L. Willson

Dated: _____

By: _____
Lee D. Willson